

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Laser Aiming Systems
Corporation, Inc.

15-cv-510 DWF/FLN

Plaintiff,

v.

SCHEDULING ORDER

Eric Bondhus, et al,

Defendants.

Pursuant to Rule 16 of the Federal Rules of Civil Procedure and the Local Rules of this Court, and in order to secure the just, speedy, and inexpensive determination of this action, the following schedule shall govern this proceeding. The schedule may be modified only upon formal motion and a showing of good cause as required by Local Rule 16.3.

A. PLEADINGS:

1. Discovery and Pleading of Additional Claims and Defenses:

- (a) Discovery is permitted with respect to claims of willful infringement and defenses of patent invalidity or unenforceability not pleaded by a party, where the evidence needed to support these claims or defenses is in whole or in part in the hands of another party.
- (b) Once a party has given the necessary discovery, the opposing party may seek leave of Court to add claims or defenses for which it alleges, consistent with Fed.R.Civ.P. 11, that it has support, and such support shall be explained in the motion seeking leave. Leave shall be liberally given where prima facie support is present, provided that the party seeks leave as soon as reasonably possible following the opposing party providing the necessary discovery.

B. FACT DISCOVERY

1. Fact discovery shall be commenced in time to be completed by April 1, 2016.
2. All pre-discovery disclosures required by Fed. R. Civ. P. 26(a) shall be completed on or before May 8, 2015.
2. The Court will limit the use and numbers of discovery procedures as follows:
 - a) No more than 50 Interrogatories, including all discrete subparts, shall be served by any party.
 - b) Depositions shall be taken as per Fed. Civ. P.
 - c) A reasonable number of Requests for Admission shall be served by any party.
 - d) A reasonable number of Document Requests shall be served by any party.

C. EXPERT DISCOVERY

The parties anticipate that they will require expert witnesses at time of trial.

1. The Plaintiff anticipates calling 2 experts.
2. The Defendant anticipates calling 3 experts.
3. By the close of fact discovery on April 1, 2016, the parties shall identify to the opposing party the experts who will provide a report that deals with the issues on which that party has the burden of persuasion.
4. On or before May 4, 2016, the parties shall exchange initial expert reports, which reports shall be in accordance with Fed.R.Civ.P. 26(a)(2)(B) ("Initial Expert Reports"). The Initial Expert Reports from each party shall deal with the issues on which that party has the burden of persuasion.
5. Identification of Experts are due on or before April 20, 2016.
6. On or before June 8, 2016, Rebuttal Expert Reports shall be exchanged. Rebuttal Expert Reports shall also be in accordance with Fed.R.Civ.P. 26(a)(2)(B).
7. Anything shown or told to a testifying expert relating to the issues on which he/she opines, or to the basis or grounds in support of or countering the opinion, is subject to discovery by the opposing party.
8. All expert discovery shall be completed by August 4, 2016.

D. MOTION AND TRIAL SCHEDULE

1. All non-dispositive motions shall be filed and served on or before the following dates:

- (A) All motions that seek to amend the pleadings or add parties must be filed and served by January 1, 2016.
- (B) All nondispositive motions and supporting documents, including those which relate to discovery, shall be filed and served by April 1, 2016. Nondispositive motions may be scheduled for hearing by calling Theresa Anderson, Calendar Clerk to Magistrate Judge Franklin L. Noel, 612-664-5110. All nondispositive motions shall be scheduled, filed and served in compliance with Local Rules 7.1 and 37.1.

2. Dispositive motions be filed and served by July 1, 2016.

Counsel are reminded that they must anticipate the time required for scheduling this hearing by calling Calendar Clerk Brenda Schaffer at 651-848-1296.

3. Trial Ready Date

(A) The case will be ready for trial on or after December 1, 2016.

DATED: May 14, 2015

s/Franklin L. Noel
FRANKLIN L. NOEL
United States Magistrate Judge